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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,794	06/01/2000	Glenn Rolus Borgward	65705-0002	1859

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EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2673

12

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Am

Office Action Summary

Application No.

09/508,794

Applicant(s)

BORWARD, GLENN ROLUS

Examiner

Amare Mengistu

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on an amendment filed on 12/30/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-197 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 137-180 and 184-197 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 76-136 and 181-183 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 30-46 are objected to because of the following informalities: The original claims 30-46 are not examined because these claims depend on canceled claim 29. **Applicant is advised to cancel the original claims 30-46.**

Election/Restrictions

2. Newly submitted claims 76-136,181-183 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are drawn to the housing of a digital book classified in class 345/905 . Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 76-136,181-183 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “***a transmitter and a receiver for wireless***”; “***Light emitting diode***”; “***means for receiving the screen pen for use as operating , writing***” feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 137-180,184-197 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al (5,893,132) in view of Eberhard et al (6,331,867) and Tan et al (5,917,493).

As to claims 137-180,184-197 **Huffman et al** (hereinafter **Huffman**) discloses an electronic book comprising: a casing having a sheet-like display unit and at least one flat screen/ touch screen type display (fig.1 (100); fig.2 (130,132); col.4, lines 32-38); an operating means/manipulation region with at least one finger of a hand (fig.5 (212);fig.4 (170); , fig.21 (360)); the casing having a first part and a second part (see, fig.2 (130,132) hinged together); operating elements (fig.4 (172,174,176 and 178), col.8, lines 36-42, lines 51-64,, for example; a multifunction key such as " a series of buttons, a mouse. " col.8, lines 41-42) adapted to be actuated and located within the manipulation region; said operating elements, individually triggering leafing through function for navigating in the book content displayed (col.8, lines 51- col.9, lines 6);

Art Unit: 2673

providing functions for selection menus (fig.11 (254-258,267-269)); with reading matter being represented in the sheet like display unit (see, figs. 7, 17-24), wireless receiver and transmitter (fig.3 (158,161)). Furthermore, the hinge includes a compartment (fig.2 (110,136,138)), a control unit (fig.3 (152)), a storage medium (fig.3 (136,154) same as RAM, ROM), information may be present in the form of text (figs.(19-20)).

Huffman did not expressly detailed the operating function specific mode of operation; but one skilled in the art would have recognized that **Huffman** can perform a first operating function is not associated with a symbol or reading matter (see, col.5, lines 63- col.6, lines 36) and a second operating function is associated with symbol or reading matter (see, fig.7, col.8, lines 26-33 col. 10, lines 41-51) as an operating function **modes**. **Huffman** also fails to teach that the operating elements are located within the manipulation region outside of the range of the sheet like display unit and operating elements are actuated immediately in succession. However, the patent of **Eberhard et al** (hereinafter **Eberhard**) clearly teaches that it is well known for electronic books to have operating elements are located within the manipulation region outside of the range of the sheet like display unit (see, fig.2 (80,82,84,86)) without shifting the wrist of the user's hand and operating elements could also be actuated immediately in succession (see, fig.2 (82,86); col.6, lines 6- 46), a coupling means (fig.1); means connected in the side edge of the housing with said coupling means for automatically reading out data from data carrier unit and means for determining, by using the data read out from the data carrier unit (see, fig.1, col.3, lines 40-54, col.4, lines 27-58). A gripping handle comprises multiple operating switches (fig.2 (80,82,84,96)), **Eberhard** also teaches including a batteries (fig.5 (51)). It is obvious for **Eberhard's** device to have an indicator of the charging state of the battery.

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the method of having an operating element located outside the display unit as taught by **Eberhard** in the device of **Huffman** because this will allow the user an easy way of manipulating the operating elements with out interning with the displayed material.

Huffman's as modified by Eberhard provide one connector means to one external device.

Huffman as modified by Eberhard was silent that the touch screen having at least one virtual operating elements. However, the patent of Tan et al (hereinafter Tan) clearly states that it is conventional for a touch screen to have at lest one virtual operating elements (fig.3, (307-309);col.5, lines 43-48, col.6,lines 5-34);means for receiving the screen pen for operating writing (see, fig.3).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the virtual keys of Tan into the device of Huffman, because this is an alternative way of changing page faster than scrolling through the pages sequentially.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2673

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.


Amare Mengistu
Primary Examiner
Art Unit 2673

A.M
March 24, 2003